

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

16

Application Number

10/763,498

Filing Date

January 22, 2004

First Named Inventor

Andrew Robert Marks et al.

Art Unit

1614

Examiner Name

Unknown

Attorney Docket Number

5199-139

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition for Revival

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation

Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):**Remarks**

1. Copy of response to Notice of Incomplete Reply.
2. Return postcard.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Brown Raysman Millstein Felder &amp; Steiner LLP

Signature

Printed name

Todd A. Holmbo

Date

December 6, 2004

Reg. No.

42,665

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Diane Filatov

Date

December 6, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IFW DAE  
\$

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Andrew Robert Marks et al. Group Art Unit: 1614  
Serial No.: 10/763,498 Examiner: Unknown  
Filed: January 22, 2004 Docket No. 5199-139  
For: NOVEL ANTI-ARRYTHMIC AND HEART FAILURE DRUGS  
THAT TARGET THE LEAK IN THE RYANODINE RECEPTOR  
(RYP2)

December 6, 2004

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

**PETITION FOR REVIVAL OF A NONPROVISIONAL APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY  
UNDER 37 C.F.R. §§ 1.137(b)**

The above-identified nonprovisional application became abandoned for failure to file a timely reply to a Notice to File Missing Parts of Nonprovisional Application mailed on May 3, 2004 and subsequent Notice of Incomplete Reply (Nonprovisional) dated August 9, 2004. A response to the Notice of Incomplete Reply is being filed concurrently at the following address: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of the response is attached hereto.

Since this utility application was filed after June 8, 1995, no terminal disclaimer is required.

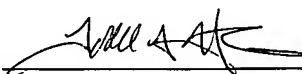
The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional. Applicants hereby petition the Commissioner to revive the above-identified application under 37 C.F.R. § 1.137(b).

12/09/2004 JBALINAN 00000050 024270 10763498

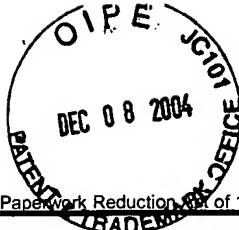
01 FC:2453 685.00 DA

The Commissioner is hereby authorized to charge Deposit Account No. 02-4270 for the petition fee of \$685.00, as set forth under 37 C.F.R. § 1.17(m). Authorization is also given to charge any additional fees that may be required or credit any overpayment to our Deposit Account 02-4270.

Respectfully submitted,

By:   
Todd A. Holmbo, Attorney for Applicants  
Reg. No. 42,685

BROWN RAYSMAN MILLSTEIN  
FELDER & STEINER LLP  
163 Madison Avenue  
P.O. Box 1989  
Morristown, NJ 07962-1989  
Telephone No: 973-775-8919  
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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 985

## Complete if Known

Application Number	10/763,498
Filing Date	January 22, 2004
First Named Inventor	Andrew Robert Marks et al.
Examiner Name	Unknown
Art Unit	1614
Attorney Docket No.	5199-139

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 02-4270

Deposit Account Name Brown Raysman Millstein

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	430	2252	215	Extension for reply within second month
1253	980	2253	490	Extension for reply within third month
1254	1,530	2254	765	Extension for reply within fourth month
1255	2,080	2255	1,040	Extension for reply within fifth month
1401	340	2401	170	Notice of Appeal
1402	340	2402	170	Filing a brief in support of an appeal
1403	300	2403	150	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,370	2453	685	Petition to revive - unintentional
1501	1,370	2501	685	Utility issue fee (or reissue)
1502	490	2502	245	Design issue fee
1503	660	2503	330	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))
1801	790	2801	395	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify) Adjusted Extension for reply within fifth month

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 685

## SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)	Todd A. Holmbo	Registration No. (Attorney/Agent)	42,665	Telephone	973.775.8919
Signature		Date	December 6, 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Andrew Robert Marks et al. Group Art Unit: 1614  
Serial No.: 10/763,498 Examiner: Unknown  
Filed: January 22, 2004 Docket No. 5199-139  
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THAT TARGET THE LEAK IN THE RYANODINE RECEPTOR  
(RYP2)

December 6, 2004

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

**RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)  
AND REQUEST FOR A FIVE (5) MONTH EXTENSION OF TIME**

Applicants are in receipt of the Notice to Incomplete Reply (Nonprovisional) dated August 9, 2004 (copy enclosed), which refers to the Notice to File Missing Parts of Nonprovisional Application dated May 3, 2004, and hereby request a five (5) month extension of time for filing a response. A Petition for Revival of a Nonprovisional Application for Patent Abandoned Unintentionally is being filed concurrently at the following address: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of the Petition for Revival is attached hereto.

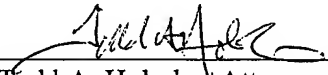
In response to the Notice that replacement drawings are required, applicants hereby enclose Figures 1 – 7 (7 pages) which meet requirements under 37 CFR § 1.84 and 37 CFR § 1.121.

The Commissioner is hereby authorized to charge \$985.00 for the current extension of time to applicant's Deposit Account No. 02-4270. The total fee due of \$985 was reached by deducting the one month extension of time fee (\$55) that was paid with the initial response to the Notice to File Missing Parts as filed on July 16, 2004. Authorization is also

given to charge any additional fees that may be required or credit any overpayment to our  
Deposit Account 02-4270.

In view of the foregoing, it is submitted that the application is complete.

Respectfully submitted,

By:   
Todd A. Holmbo, Attorney for Applicants  
Reg. No. 42,685

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